IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11748 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SURESHBHAI KAKADIABHAI MAHLA

Versus

PANKAJ KUMAR

Appearance:

MR JB PARDIWALA for Petitioner

MR HH PATEL, AGP for Respondent No. 1, 2, 3, 4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/02/2001

ORAL JUDGEMENT

Heard learned Counsel for the parties. Under the order dated 28.8.2000, the District Magistrate, Valsad ordered detention of the petitioner as a dangerous person. Learned Counsel for the petitioner placed

manifold contentions to challenge this order, but as this petition deserves acceptance only on one ground, it is not necessary to refer all those contentions, consider and give the decision thereon. It is not in dispute that the last complaint was registered against the petitioner on 24.4.2000 and his detention order has been made on 28th Aug. 2000 and therefore, there is a delay of nearly four months in passing of the order. The respondents, as usual not cared to file reply to this Special Civil Application and no explanation for this long delay in passing of the aforesaid detention order is furnished. The ground could not be a proximate cause for this sudden decision to take action under the Act, 1985 and this vitiates the order. It also appears to be the case where petitioner's detention is only for statistical data. As a result of the aforesaid discussion, this petition is allowed. The order of detention of the petitioner dated 28.8.2000 is quashed and set aside. The petitioner Sureshbhai Kakadiabhai Mahla, the detenu, at present in Sabarmati Central prison, Ahmedabad be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. The respondent-State is directed to pay costs of the petition to the petitioner, which is quantified at Rs.1000/-. This amount is to be paid to the petitioner only.

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*/Mohandas